

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:

EASTERN LIVESTOCK CO., LLC

DEBTOR

CASE NO. 10-93904
CHAPTER 11

**AGREED ENTRY REGARDING MOTION TO APPROVE
COMPROMISE OF CONTROVERSY BETWEEN EASTERN
LIVESTOCK CO., LLC AND HERITAGE FEEDERS, L.P.**

Come Bluegrass Stockyards, LLC (“Bluegrass”) and James A. Knauer, Chapter 11 Trustee for Eastern Livestock Co., LLC (the “Trustee”), by counsel, and for their Agreed Entry regarding the Motion to Approve Compromise of Controversy between Eastern Livestock Co. LLC and Heritage Feeders, L.P. [ECF No. 1466] (the “Motion”), respectfully state as follows:

WHEREAS, the Trustee filed the Motion on October 12, 2012 requesting this Court’s approval of a proposed settlement between Eastern Livestock Co., LLC (“Eastern”) and Heritage Feeders, L.P. (“Heritage”);

WHEREAS, Bluegrass believes that certain of the cattle sales transactions at issue in the Motion relate to 72 head of cattle purchased by Eastern Livestock Co., LLC (“Eastern”), on behalf of itself or another, from Bluegrass at a Bluegrass auction for a total of \$49,176.37;

WHEREAS, Bluegrass and certain of its related entities (collectively, the “Bluegrass Companies”) are in the process of finalizing a settlement with the Trustee of certain claims and causes of action in the above-captioned bankruptcy case and related matters (the “Settlement”);

WHEREAS, the Bluegrass Companies and the Trustee anticipate that a motion requesting this Court’s approval of the Settlement will be filed in the near future;

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

1. The Trustee will hold in escrow the amount of \$49,176.37 that he expects to receive from the pending settlement with Heritage described in the Motion until such time as the anticipated Settlement between the Bluegrass Companies and the Trustee is approved by this Court (the "Heritage Escrow").
2. If the Settlement is not approved, the Trustee agrees that Bluegrass would have 30 days from the entry of the order denying the anticipated motion to approve the Settlement to amend the current contested matter involving certain of the Bluegrass Companies related to cattle sales proceeds and assert an interest in the Heritage Escrow.
3. This agreement by the Trustee is not an admission of any kind that the claim against the Heritage Escrow is valid.
4. Upon final approval of the Settlement by Order of this Court, all claims of Bluegrass to the Heritage Escrow will be waived and released.

SEEN AND AGREED TO BY:

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2012 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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